IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 3RD JULY 2006 / 12TH ASHADA, 1928

Bail Appl..No. 3908 of 2006

CMP.553/2006 of DISTRICT COURT, KALPETTA
(CRIME NO.395/2006 OF SULTHAN BATHERY POLICE STATION)

.....

PETITIONER/ACCUSED

UTHUPU, S/O. VARGHESE,
AGED 52, OLANGAT VEEDU, KALLUMUKU,
NOOLPUZHA.

BY ADV. SRI.VARGHESE PREM

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY THE
SUB INSPECTOR OF POLICE,
SULTHAN BATHERY POLICE STATION.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.3908/2006

DATED THIS THE 3RD DAY OF JULY, 2006

O R D E R

The petitioner is facing the allegation, under Section 376 IPC and under Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in crime No.395/2006 of Sulthan Bathery Police Station. It is submitted that the petitioner had committed rape on the victim, who is a scheduled caste woman, and she became pregnant. He remains in judicial custody from 11.6.2006.

2. After hearing both sides and considering the facts of this case, I grant bail to the petitioner and release him from jail, subject to the following conditions:-

1. The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Sulthan Bathery.

2. The petitioner shall report before the investigating officer once in a week, on every Monday, between 10.00 a.m and 11.00 a.m., for a period of two months, starting from 10.7.2006.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs